

SHORT FORM COMPLAINT CLOSURE RECOMMENDATION

To: Tamara Kessler, Deputy Office for Programs and Compliance
From: (b)(6) Policy Advisor, Compliance Branch
Date: October 28, 2011
Complaint: 11-10-ICE-0309

Recommendation:

(b)(5)

Complaint Synopsis:

By email dated July 1, 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to the CRCL Community Engagement Section (CE) that during a June 2011 La Raza Board meeting at which Homeland Security Secretary Janet Napolitano was present, (b)(6) a Board Member of La Raza and the CEO of NewCapital LLC ("NewCapital") in Los Angeles, California, spoke about a U.S. Immigration and Customs Enforcement (ICE) enforcement action in which children were left behind in a building after their mother was removed from that building. The La Raza Board staff member stated that, according to (b)(6) account, ICE officers visited a building managed by NewCapital LLC at 3 or 4 a.m. on an unspecified day during Labor Day weekend in 2010, knocked on the door and entered the building (where most of the tenants are working single mothers), and removed a mother from the building without giving her an opportunity to make childcare arrangements for her children, ages 7 and 12 years old, who had been sleeping. The children were left unsupervised until other family members were contacted by tenants in the building and came to get the children. The mother has since been deported to Mexico, and the children are living with their father.

Additionally, (b)(6) stated that ICE agents had been parked outside of that building for three (unspecified) days, waiting for tenants they apparently wanted to pick up. The property manager then asked the ICE agents if they had warrants. The ICE agents responded that they did not, and "eventually departed."

The La Raza staff member who reported the allegations to CRCL did not write to us as a representative of (b)(6) or NewCapital LLC. The message included no identifying information on the deported mother or the location of the building.

Suggested closure method(s):

(b)(5)

Protected by deliberative process privileges.

Recommendation: (b)(5)
(b)(5)

Recommendation Accepted TJM
Not Accepted: _____

Further Action Required:

Protected by deliberative process privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1161 11-10-ICE-0309 NEWCapital LLC

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-10-03 13:24	Create	Component Referenced	ICE	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Summary	On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC. Ms. (b)(6) Allegedly, over la	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Executive Summary	On July 1, 2011, CRCL received informal email correspondence from the National Alliance of La Raza in regard to concerns that were first reported verbally to Secretary Napolitano by the CEO of NewCapital LLC. Ms. (b)(6) Allegedly, over la	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Days to Process	94	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Date to CRCL	07/01/2011	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Date to DHS	07/01/2011	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Date on Correspondence	07/01/2011	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Sender Type	NGO/Organization	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Method of Receipt	Email	7939	(b)(6)	User Change
DhsComplaint	2011-10-03 13:24	Create	Entry Date	10/03/2011	7939	(b)(6)	User Change
DhsComplaintAction	2013-08-11	Update	Reporting	In July 2011, an NGO staff member reported to CRCL that during a June 2011 meeting at which Homeland Security Secretary Janet Napolitano was present, a	106321	(b)(6)	User

	15:08		Summary	Board Member of the NGO and the CEO of a firm in Los Angeles, California, spoke about an ICE enforcement	(b)(6)	Change
DhsComplaintAction	2011-10-28 14:31	Create	Internal Summary	By email dated July 1, 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to the CRCL Community Engagement Section (CE) that during a June 2011 La Raza Board meeting at which	106321	User Change
DhsComplaintAction	2011-10-28 14:31	Create	Action Date	10/28/2011	106321	User Change
DhsComplaintAction	2011-10-28 14:31	Create	Action	Closed - Short Form/No Further Action	106321	User Change
DhsComplaintAction	2011-10-28 14:31	Create	Reporting Summary	In July 2011, a National Alliance of La Raza ("La Raza") Immigration Legislative Analyst from La Raza's Immigration Policy Project reported to CRCL that during a June 2011 La Raza Board meeting at which Homeland Security Secretary Janet Napolitano was pre	106321	User Change
DhsComplaintAction	2011-10-28 14:31	Create	Document	Short Form 11-10-ICE-0309_Signed 10-28-11.pdf	106321	User Change
DhsComplaintAction	2011-10-28 13:26	Create	Action Date	10/07/2011	106320	User Change
DhsComplaintAction	2011-10-28 13:26	Create	Action	Short Form	106320	User Change
DhsComplaintAction	2011-10-06 12:23	Create	Action	Back from Officer	106168	User Change
DhsComplaintAction	2011-10-06 12:23	Create	Comments	Short Form assign to (b)(6)	106168	User Change
DhsComplaintAction	2011-10-06 12:23	Create	Primary Assignment	(b)(6)	106168	User Change
DhsComplaintAction	2011-10-06 12:23	Create	Action Date	10/06/2011	106168	User Change
DhsComplaintAction	2011-10-06 12:22	Create	Action	Recommendation Review	106167	User Change
DhsComplaintAction	2011-10-06 12:22	Create	Comments	Short Form assign to (b)(6)	106167	User Change
DhsComplaintAction	2011-10-06	Create	Action Date	10/06/2011	106167	User

	12:22					(b)(6)	Change
DhsComplaintAction	2011-10-04 11:37	Create	Action	Awaiting Recommendation	106114		User Change
DhsComplaintAction	2011-10-04 11:37	Create	Comments	On September 27, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	106114		User Change
DhsComplaintAction	2011-10-04 11:37	Create	Action Date	10/04/2011	106114		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Action	IG Declines/Back from IG	106113		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Action Date	10/04/2011	106113		User Change
DhsComplaintAction	2011-10-04 11:36	Create	Document	11-10-ICE-0309 (OIG Response 10.4.2011).pdf	106113		User Change
DhsComplaintAction	2011-10-03 13:31	Create	Action	Sent to IG	106099		User Change
DhsComplaintAction	2011-10-03 13:31	Create	Action Date	10/03/2011	106099		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Action	Open a Complaint	106098		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Comments	On September 27, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	106098		User Change
DhsComplaintAction	2011-10-03 13:30	Create	Action Date	09/27/2011	106098		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document 1	7.1.2011 NewCapital LLC_CRCL_email_chain.pdf	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Foreign Language	No	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document Type	Incoming Letter	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Dateentered	10/03/2011	85212		User Change
DhsComplaintDocument	2011-10-03 13:26	Create	Document 2	7.1.2011 NewCapital LLC_NCLR_board_member.pdf	85212		User Change

DhsComplaintDocument	2011-10-27 14:21	Update	Document 2		85409	(b)(6)	User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document 1	7 21 2011_11-10-ICE-0309_CRCL email thread.pdf	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Foreign Language	No	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document 2	7.21.2011_11-10-ICE-0309_CRCL email thread re NewCapital LLC Complaint.pdf	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Dateentered	10/27/2011	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Comments	Internal CRCL email threads re NewCapital LLC complaint (July 2011 and August 2011)	85409		User Change
DhsComplaintDocument	2011-10-27 14:17	Create	Document Type	Miscellaneous Material/Other	85409		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Comments	No specific date given or location provided.	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Incident Location Type	Residence	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	State	California - CA	13204		User Change
DhsComplaintIssue	2011-10-28 16:44	Update	Incident Location	Los Angeles Area	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Comments	No specific date given	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Redirect to Subject	No	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Ongoing	No	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Primary Issue	Yes	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Situation	DHS law enforcement activity	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	(b)(5)	(b)(5)	13204		User Change
DhsComplaintIssue	2011-10-28 16:43	Create	Incident Date	09/01/2010	13204		User Change
DhsComplaintPartiesInvolved	2011-10-03 14:04	Create	Last Name	(b)(6)	22311		User Change
	2011-						

DhsComplaintPartiesInvolved	10-03 14:04	Create	Comments	CEO of NEWCapital LLC	22311.	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:04	Create	Contact Type	Source	22311.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:04	Create	First Name	(b)(6)	22311.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Phone	213 (b)(6)	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Last Name	(b)(6)	22310.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Email	(b)(6)@newcapital- llc.com	22310.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Comments	VP of Operations at NEWCapital LLC	22310.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	Contact Type	Source	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:03	Create	First Name	(b)(6)	22310		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:01	Create	Last Name	NEWCapital LLC	22309		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:01	Create	Contact Type	Sender	22309		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Phone	202 (b)(6)	22308		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Last Name	The National Alliance of La Raza ("La Raza")	22308		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Email	(b)(6)@nclr.org	22308.		User Change
DhsComplaintPartiesInvolved	2011- 10-03 14:00	Create	Contact Type	Source	22308		User Change

From: (b)(6)
To:
Cc:
Subject: RE: CRCL Complaint Number 11-11-ICE-0294
Date: Tuesday, October 04, 2011 10:36:39 AM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

(b)(5)

If you have any questions concerning this matter, you may contact (b)(6) Deputy Assistant Inspector General for Investigations-Field Operations at 202-(b)(6)

From: (b)(6)@dhs.gov]
Sent: Tuesday, September 27, 2011 12:18 PM
To: (b)(6)
Cc:
Subject: RE: CRCL Complaint Number 11-11-ICE-0294

Hello (b)(6)

Please provide me with a response on the below matter. Based on my records CRCL has not received a response yet from the OIG.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties
Department of Homeland Security

(202) 357-(b)(6) (phone)

(202) (b)(6) (bb)

(b)(6)@dhs.gov

From: (b)(6)
Sent: Tuesday, September 06, 2011 12:27 PM
To: (b)(6)
Cc:
Subject: CRCL Complaint Number 11-11-ICE-0294

(b)(6)

Summary of new complaint for your review:

On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigration status, then wrote on a torn piece of paper an address and time and told them to go there the following day. The address for the local Border Patrol Station, 3301 Lake Shore Dr., Riviera Beach, Florida 33404. Atty. (b)(6) states that the persons could be impersonating immigration agents or real immigration agents that abusing their authority. Allegedly, in another incident involving one of the same immigration agents who spoke Spanish and identified himself as Puerto Rican, he regularly went to the homes of immigrants in the area, dressed in black, showed a pistol, and told immigrants that he was ICE, and they needed to pay him money, or they would be arrested.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b)(6)

Subject: Complaint regarding ICE or Border Patrol officials, Pt St. Lucie, Florida
Attachments: margo.schlanger letter.pdf

From: (b)(6) [redacted]@bellsouth.net]
Sent: Friday, August 26, 2011 10:45 AM
To: Schlanger, Margo.J
Cc: (b)(6) [redacted]
Subject: Complaint regarding ICE or Border Patrol officials, Pt St. Lucie, Florida

Please see attached letter, regarding what appear to be either bogus "Immigration officers," or officers acting outside the scope of their authority.

Hard copy of letter with enclosure to follow by regular US mail.

(b)(6) [redacted]
Volunteer Attorney
El Sol JNRC, Inc.
Fla. Bar No. (b)(6) [redacted]
106 Military Trail
Jupiter, FL 33458
561 (b)(6) [redacted] (El Sol)
561 (b)(6) [redacted] (cell)



El Sol, Jupiter's Neighborhood Resource Center, Inc.
106 Military Trail
P.O. Box 7682
Jupiter, Florida 33458
561-745-9860
elsolnrc1@bellsouth.net
www.friendsofelsesol.org

August 26, 2011

BY US MAIL AND E-MAIL

Margo Schlanger
Officer
Office for Civil Rights and Civil Liberties
Department of Homeland Security
Washington, DC 20528

Re: Complaint

Dear Ms. Schlanger:

I met you in June, at Krome, when you met with different community groups to explain certain revisions in Secure Communities and also to talk about the function of your office. I am a volunteer lawyer and a board member working in El Sol, a day labor center in Jupiter, Florida...

In that capacity, I was consulted by one of the center's members about a very strange situation, which I want to bring to your attention, for possible investigation. He wanted to know what he should do. If you are not the appropriate person for this complaint, perhaps you can refer it to the proper office, or let me know to whom it should be referred.

In late July of this year, two young men were sent out for work from here, to assist a man with cleaning his boat. The boat was kept in a marina about 30 miles from here, in Port St. Lucie, Florida. The two men did their work, for approximately six and one-half hours. Apparently at the end of that time, two men approached first the "padron" and asked, why do you use people from El Sol, don't you know, they are all illegal? Why don't you hire Americans? According to my source, the padron explained that this was just a short term job, and that's why he hired people from El Sol, that it was easy to hire people from there just to work a day or two on a job.

The two men were dressed very casually in black shorts and blue t-shirts and wearing boat shoes. None of their clothing in any way identified them as government agents. They arrived in a black, Explorer-type vehicle, which also did not have any marks to identify it as a government vehicle. One of the agents then spoke to the workers. He identified himself as an immigration agent, and supposedly showed a badge (but did not permit them to examine it). He had (b)(6) was (b)(6) He spoke Spanish, and identified himself as Puerto Rican...

The other seemed to be an American and did not speak. He was (b)(6)

(b)(6)

He was also wearing (b)(6)
shoes.

The one who spoke Spanish asked the workers to show him their i.d., which they did. He showed a wallet, which appeared to have a shield in it, but he quickly closed the wallet, so they did not have a chance to examine it. He took pictures of them with a cellphone. After doing this, he wrote on a small piece of paper torn out of a spiral notebook:

(b)(6)

Riviera Beach Fl

33404

10:00 a.m.

A copy of this paper is enclosed. The purported agent told the two men they should show up at that address the following day. The address is that of Border Patrol, in our area. The men did not go there.

This seems to be a case of either people impersonating immigration agents, or, if they were actually immigration agents, of agents acting outside of the rules and regulations governing their conduct. An actual immigration agent would not simply write on a piece of torn out notebook paper the address of Border Patrol and direct the persons to turn themselves in there.

My concern about this incident is even stronger because of some incidents which happened in our area a few years ago.

In those incidents, a man who was described as speaking Spanish with a Puerto Rican accent went to the homes of immigrants in our area. He dressed in black. He carried and showed a pistol, and told the immigrants that he was with ICE, and they needed to pay him money, or they would be arrested. At that time, we made complaints to local police in the town of Jupiter and to our sheriff of Palm Beach County, but to my knowledge, the person was never found.

At this time, I do not feel comfortable giving the names of the two persons who were the victims of this operation, but if you determine it is necessary to interview them, I would be willing to discuss the possibility with the client, on appropriate assurances of protection.

Please do not hesitate to contact me, if you need additional information or if there is any additional assistance I can provide. Thank you for the work you are doing and for your assistance.

Sincerely,

/s/

(b)(6)

(b)(6)

Copy to: (b)(6) FIAC
(b)(6) IC and PBCCIR



Homeland
Security

September 6, 2011

Via Electronic Mail

(b)(6)

El Sol JNRC, Inc.

(b)(6)@bellsouth.net

Re: Complaint No. 11-11-ICE-0294 on behalf of Anonymous

Dear Atty. (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on August 24, 2011. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email, and mailing address if available. You may contact CRCL by email at crcl@dhs.gov, by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch
245 Murray Lane, SW
Building 410, Mail Stop 0190
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact CRCL either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Privacy Act Statement

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to www.dhs.gov/CRCL. To learn more about the Privacy Act, go to the Federal Information Center, www.pueblo.gsa.gov.



Homeland
Security

OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)
REFERRED COMPLAINT CLOSURE RECOMMENDATION

To: Jeffrey Blumberg
From: (b)(6)
Date: October 24, 2012
Complaint: 11-11-ICE-0294, El Sol JNRC, Inc.

Recommendation:

(b)(5)

Complaint Synopsis:

On September 15, 2011, CRCL received a complaint submitted via email from (b)(6) a volunteer attorney at El Sol JNRC, Inc. The complaint alleges that in July of 2011, a gentleman who had brought on day laborers from El Sol to clean a boat, was approached by two men, one of whom apparently identified himself as an ICE agent. One alleged agent spoke Spanish, asked the two laborers for identification which they provided, and wrote an address on a piece of paper. The address was from a local Border Patrol station and he told the laborers to go there the next day to turn themselves in. The complaint alleges that these ICE agents were either posing as ICE agents or acting outside of their authority.

Suggested closure method(s):

(b)(5)

Explanation:

(b)(5), (b)(6)

(b)(5)

Recommendation:

Recommendation Accepted

Not Accepted: _____

Further Action Required : _____

Protected by Attorney-Client and Deliberative Process Privileges



**Homeland
Security**

October 31, 2012

(b)(6)

El Sol JNRC, Inc.
106 Military Trail P.O. Box 7682
Jupiter, FL 33458

Re: Complaint No. 11-11-ICE-0294

Dear (b)(6)

This letter is in response to the complaint the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from you on September 15, 2011 involving laborers from El Sol. Your complaint alleges that the laborers and another person were approached by two men who either posed as ICE agents or were acting outside of their authority. They gave a piece of paper to the laborers with an address written on it. The address was for the local Border Patrol station and your complaint alleges that the laborers were told to turn themselves in there the next day.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against DHS employees and officials concerning violations of civil rights and civil liberties.

Accordingly, CRCL attempted to conduct an investigation into the allegations but you confirmed that you were unable to locate the laborers. Thus, the allegations could not reasonably be investigated and CRCL has recommended closure of this complaint. Should the laborers come forward and provide CRCL with more information, we will re-open this investigation.

This concludes our review of this complaint. If you have any additional information or allegations do not hesitate to provide the information.

Protected by Attorney-Client and Deliberative Process Privileges

We appreciate you bringing these matters to our attention; inquiries like this help the Department of Homeland Security meet its obligation to protect civil rights and civil liberties.

Sincerely,



Jeffrey S. Blumberg
Director, Compliance Branch
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Protected by Attorney-Client and Deliberative Process Privileges

DHS/TSA Civil Rights

DHS Complaint History Listing

DHS Matters: Contact-DHS-11-1112 11-11-ICE-0294 (b)(6)

Data Object	Date	Event	Field	New Value	Tracking Id	User	Reason
DhsComplaint	2011-08-31 12:34	Create	Component Referenced	ICE	7888	(b)(6)	User Change
DhsComplaint	2011-08-31 12:34	Create	Summary	On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigrati	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Executive Summary	On August 24, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, alleging that in late July of 2011 in Port St. Lucie, Florida, allegedly two casually dressed ICE immigration agents approached the men while the	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Allegation	(CR/CL) Civil Rights/Civil Liberty	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Days to Process	7	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date to CRCL	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date to DHS	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Date on Correspondence	08/24/2011	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Sender Type	NGO/Organization	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Method of Receipt	Email	7888		User Change
DhsComplaint	2011-08-31 12:34	Create	Entry Date	08/31/2011	7888		User Change

DhsComplaint	2011-10-31 09:22	Update	Summary	On August 26, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, allegedly two casually dressed ICE immigration agents approached the men while they were working on a boat, questioned them about their immigrati	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Date to DHS	08/26/2011	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Date on Correspondence	08/26/2011	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Days to Process	66	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Date to CRCL	08/26/2011	7888	(b)(6)	User Change
DhsComplaint	2011-10-31 09:22	Update	Executive Summary	On August 26, 2011, CRCL received email correspondence from (b)(6) of El Sol JNRC, on behalf of two men, alleging that in late July of 2011 in Port St. Lucie, Florida, allegedly two casually dressed ICE immigration agents approached the men while the	7888	(b)(6)	User Change
DhsComplaintAction	2012-07-24 10:01	Update	Primary Assignment	(b)(6)	107700	(b)(6)	User Change
DhsComplaintAction	2012-06-13 10:56	Create	Primary Assignment	(b)(6)	107700	(b)(6)	User Change
DhsComplaintAction	2012-06-13 10:56	Create	Secondary Assignment	(b)(6)	107700	(b)(6)	User Change
DhsComplaintAction	2012-06-13 10:56	Create	Comments	06/13/2012 - assigned to (b)(6)	107700	(b)(6)	User Change
DhsComplaintAction	2012-06-13 10:56	Create	Action Date	10/03/2011	107700	(b)(6)	User Change
DhsComplaintAction	2012-06-13 10:56	Create	Action	Back from Officer	107700	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:13	Update	Document	Final SF Close Memo 11-11-ICE-0294.pdf	109803	(b)(6)	User Change
				CRCL received a complaint in August, 2011. alleging		(b)(6)	

DhsComplaintAction	2013-04-03 11:13	Update	Reporting Summary	unidentified persons were posing as ICE agents, or that ICE agents were acting outside of their authority. (b)(5) (b)(5) CRCL opened the complaint	109803	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:12	Update	Action	Closed - IG	109803	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:12	Update	Action Date	10/24/2012	109803	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:12	Update	Internal Summary	(b)(5) (b)(5) CRCL was unable to contact them as well and closed the complaint.	109803	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:05	Update	Action Date	10/24/2011	110017	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:03	Create	Action	IG Retained in CRCL	110017	(b)(6)	User Change
DhsComplaintAction	2013-04-03 11:03	Create	Action Date	04/03/2013	110017	(b)(6)	User Change
DhsComplaintAction	2013-03-20 15:47	Create	Action Date	03/20/2013	109803	(b)(6)	User Change
DhsComplaintAction	2013-03-20 15:47	Create	Action	IG Return To CRCL For Review	109803	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:34	Create	Action Date	09/06/2011	105933	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:34	Create	Document	8.24.2011. 11-11-ICE-0294 (email).pdf	105933	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:34	Create	Action	Acknowledgement Letter Sent	105933	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:20	Create	Action Date	09/06/2011	105932	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:20	Create	Action	Sent to IG	105932	(b)(6)	User Change
	2011-					(b)(6)	

DhsComplaintAction	09-06 12:17	Create	Action Date	08/31/2011	105931	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:17	Create	Action	Open a Complaint	105931	(b)(6)	User Change
DhsComplaintAction	2011-09-06 12:17	Create	Comments	On August 31, 2011, Jeffrey Blumberg, Director, Compliance Branch, directed that this matter be opened as a complaint, and recommended that it be handled as a short form Complaint assigned to (b)(6)	105931	(b)(6)	User Change
DhsComplaintAction	2011-10-25 09:58	Create	Action Date	10/04/2011	106259	(b)(6)	User Change
DhsComplaintAction	2011-10-25 09:58	Create	Document	11-11-ICE-0294 (OIG Response 10.4.2011)_IG Keep.pdf	106259	(b)(6)	User Change
DhsComplaintAction	2011-10-25 09:58	Create	Action	IG Keeps	106259	(b)(6)	User Change
DhsComplaintDocument	2011-09-16 11:20	Create	Document Type	Incoming Letter	85036	(b)(6)	User Change
DhsComplaintDocument	2011-09-16 11:20	Create	Document 1	9 15 2011 (b)(6) (11-11-ICE-0294).pdf	85036	(b)(6)	User Change
DhsComplaintDocument	2011-09-16 11:20	Create	Dateentered	09/16/2011	85036	(b)(6)	User Change
DhsComplaintDocument	2011-09-16 11:20	Create	Foreign Language	No	85036	(b)(6)	User Change
DhsComplaintDocument	2011-09-16 11:20	Create	Comments	Copy of Email - CRCL received by mail Sept 25 2011	85036	(b)(6)	User Change
DhsComplaintDocument	2012-10-31 11:46	Create	Document 1	SF Close Letter 11-11-ICE-0294.pdf	88428	(b)(6)	User Change
DhsComplaintDocument	2012-10-31 11:46	Create	Dateentered	10/31/2012	88428	(b)(6)	User Change
DhsComplaintDocument	2012-10-31 11:46	Create	Foreign Language	No	88428	(b)(6)	User Change
DhsComplaintDocument	2012-10-31	Create	Document Type	Closed Letter	88428	(b)(6)	User

	11:46					(b)(6)	Change
DhsComplaintDocument	2012-10-31 11:45	Create	Document 1	Final SF Close Memo 11-11-ICE-0294.pdf	88427		User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Dateentered	10/31/2012	88427		User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Foreign Language	No	88427		User Change
DhsComplaintDocument	2012-10-31 11:45	Create	Document Type	Short Form Doc	88427		User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Document Type	Incoming Letter	84986		User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Dateentered	08/31/2011	84986		User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Foreign Language	No	84986		User Change
DhsComplaintDocument	2011-08-31 12:55	Create	Document 1	8.26.2011 (b)(6).pdf	84986		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Primary Issue	Yes	13486		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	(b)(5)	(b)(5)	13486		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Redirect to Subject	No	13486		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Situation	DHS law enforcement activity	13486		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Ongoing	No	13486		User Change
DhsComplaintIssue	2012-05-01 11:17	Create	Incident Date	08/26/2011	13486		User Change
	2011-						

DhsComplaintPartiesInvolved	08-31 13:03	Create	Address Line 1	106 Military Trail	22229	(b)(6)	User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Last Name	(b)(6)	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	First Name	(b)	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Prefix	Atty	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Other Organization	El Sol JNRC, Inc.	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Alt Phone	561 (b)(6)	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Organization	Other	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Phone	561 (b)(6)	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Email	(b)(6)@bellsouth.net	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Zip Code	33458	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	State	Florida - FL	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	City	Jupiter	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 13:03	Create	Contact Type	Sender	22229		User Change
DhsComplaintPartiesInvolved	2011-08-31 12:56	Create	Last Name	Anonymous	22228		User Change
DhsComplaintPartiesInvolved	2011-08-31 12:56	Create	Contact Type	On Behalf Of	22228		User Change

From: (b)(6)
To:
Cc:
Subject: RE: CRCL Complaint Number 11-12-ICE-0303
Date: Wednesday, September 28, 2011 2:44:36 PM

Office of Inspector General

U.S. Department of Homeland Security



**Homeland
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@dhs.gov]
Sent: Wednesday, September 28, 2011 10:45 AM
To: (b)(6)
Cc:
Subject: CRCL Complaint Number 11-12-ICE-0303

(b)(6)

Summary of new complaint for your review:

On September 20, 2011, CRCL received email correspondence from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition, alleging that on September 17, 2011 in Shelbyville, Tennessee, ICE Homeland Security Investigations (HSI) conducted a retaliatory raid targeting Latino community members, including a number who spoke out at the September 12, 2011 racial profiling hearing with various law enforcement entities, including: the Shelbyville Police Department, Bedford County Sheriff's Department, and Tennessee State Troopers.

Thank you.

(b)(6)

Program Analyst
Compliance Branch
Office for Civil Rights & Civil Liberties
Department of Homeland Security

(b)(6)

From: (b)(6)@dhs.gov]
Sent: Wednesday, September 21, 2011 11:54 AM
To: CRCL
Subject: FW: Letter and report from RWG and TIRRC
Attachments: RWG TIRRC Letter Sept 20 Schlanger.pdf; The Forgotten Constitution final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please log this in as a new Contact. It involves a raid in Shelbyville, TN on September 17, 2011, conducted by ICE Homeland Security Investigations (HSI).

Thank you,

(b)(6)

Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

From: Blumberg, Jeffrey
Sent: Wednesday, September 21, 2011 11:29 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: Letter and report from RWG and TIRRC

Let's discuss at the next case opening.

Jeff

From: (b)(6)
Sent: Wednesday, September 21, 2011 11:19 AM
To: Blumberg, Jeffrey; (b)(6)
Subject: FW: Letter and report from RWG and TIRRC

FYI – don't know if Margo sent this to you before.

(b)(6)

Policy Advisor
Office for Civil Rights & Civil Liberties
Department of Homeland Security
Phone: (202) 357-(b)(6)
Office Cell: (202) (b)(6)
(b)(6)@dhs.gov



Please consider the environment before printing this e-mail message.

From: (b)(6)
Sent: Wednesday, September 21, 2011 7:01 AM
To: (b)(6)
Cc: Schlanger, Margo; (b)(6)
Subject: Fw: Letter and report from RWG and TIRRC

Looping in the other (b)(6)

From: Schlanger, Margo [mailto:(b)(6)@dhs.gov]
Sent: Tuesday, September 20, 2011 10:12 PM
To: (b)(6)
Cc: (b)(6)
Subject: FW: Letter and report from RWG and TIRRC

FYI.

Margo Schlanger
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security
202-357-(b)(6)
(b)(6)@dhs.gov
<http://www.dhs.gov/crci>



From: (b)(6) [mailto:(b)(6)@rightsworkinggroup.org]
Sent: Tuesday, September 20, 2011 9:13 PM
To: (b)(6)@dhs.gov
Cc: Morton, John; Mead, Gary; ivan.fong@dhs.gov; Moynihan, Timothy; yasmeen@pitts.dhs.gov; john.sandweg@hq.dhs.gov; RYAN, KELLY; Sameera Hafiz; Jumana Musa; (b)(6) (b)(6)@tnimmigrant.org
Subject: Letter and report from RWG and TIRRC

Apologies for not attaching the report to the previous message.

September 20, 2011.

Dear Margo,

Please find attached a letter from the Rights Working Group and the Tennessee Immigrant and Refugee Rights Coalition. We look forward to meeting with some of your staff tomorrow.

(b)(6)

RIGHTS working group
1120 Connecticut Avenue NW, Suite 1100
Washington, DC 20036

T: 202.591

(b)(6)

F: 202

(b)(6)

Twitter: [@RWG_Margaret](#) and [@RightsWorking](#)

Join RWG today! www.rightsworkinggroup.org

Sign up for [RWG Alerts and Newsletter](#)

Host an event! **Reflecting on Our Loss and Reclaiming Our Rights** *National Week of Action* September 11-17, 2011



September 20, 2011.

Ms. Margo Schlanger
Officer for Civil Rights and Civil Liberties
Office for Civil Rights and Civil Liberties
United States Department of Homeland Security
151 M Street NE
Washington, DC 20002

Dear Ms. Schlanger,

The Rights Working Group (RWG) contacted you in August to invite you to a racial profiling hearing in Shelbyville, Tennessee on September 12, 2011. This invitation was on behalf of a RWG member, the Tennessee Immigrant and Refugee Rights Coalition (TIRRC). TIRRC, along with local partners, organized the hearing to highlight the concerns of Latino residents of Shelbyville who are regularly stopped by various law enforcement entities: the Shelbyville Police Department, Bedford County Sheriff's Department, and Tennessee State Troopers, who are all either formally or informally working closely with Immigration and Customs Enforcement (ICE). Although you were unable to attend the hearing, (b)(6) attended to represent your office. (b)(6) listened to testimony at the hearing and after the formal event spoke with individuals about their personal experiences. During the hearing, community members shared disturbing stories of pretextual traffic stops and described the near-police state to which Latinos in Shelbyville are subject. We are attaching a new report from TIRRC, "The Forgotten Constitution," that further documents these experiences.

On September 17th, five days after this forum, ICE conducted a raid upon Shelbyville targeting Latino community members, including a number who spoke out at the September 12th hearing. The raids appear to be retaliatory in nature – an effort to intimidate community members who speak out against police and ICE abuses. Moreover, these actions have spread fear throughout the Latino community, which feels targeted and increasingly under siege by law enforcement – whether it be ICE, state or local police. The result has been a severe chilling of speech in the community and increased fear of government agents. The Office for Civil Rights and Civil Liberties was in attendance at this forum for the purpose of listening to community concerns about civil rights abuses by state and local police and ICE. Days later, this same community was targeted by an immigration enforcement action leading to the chilling of free speech and further civil rights abuses.

We are requesting that your office begin an immediate investigation of this incident. We ask that your investigation examine ICE's actions and the impact of the raids on the civil rights of Shelbyville residents. Your immediate and effective response is paramount to reassuring communities that they can continue to provide information to government agencies such as OCRCL in order to report civil rights violations by ICE agents. Without swift and deliberate

action by you, the raid will have a broader chilling effect and send the message that your department is unwilling or unable to protect the free speech rights of those who have legitimate complaints about civil rights abuses by ICE.

We thank you and members of your office for meeting with us tomorrow, September 21st, and we look forward to discussing this matter further then.

Sincerely yours,

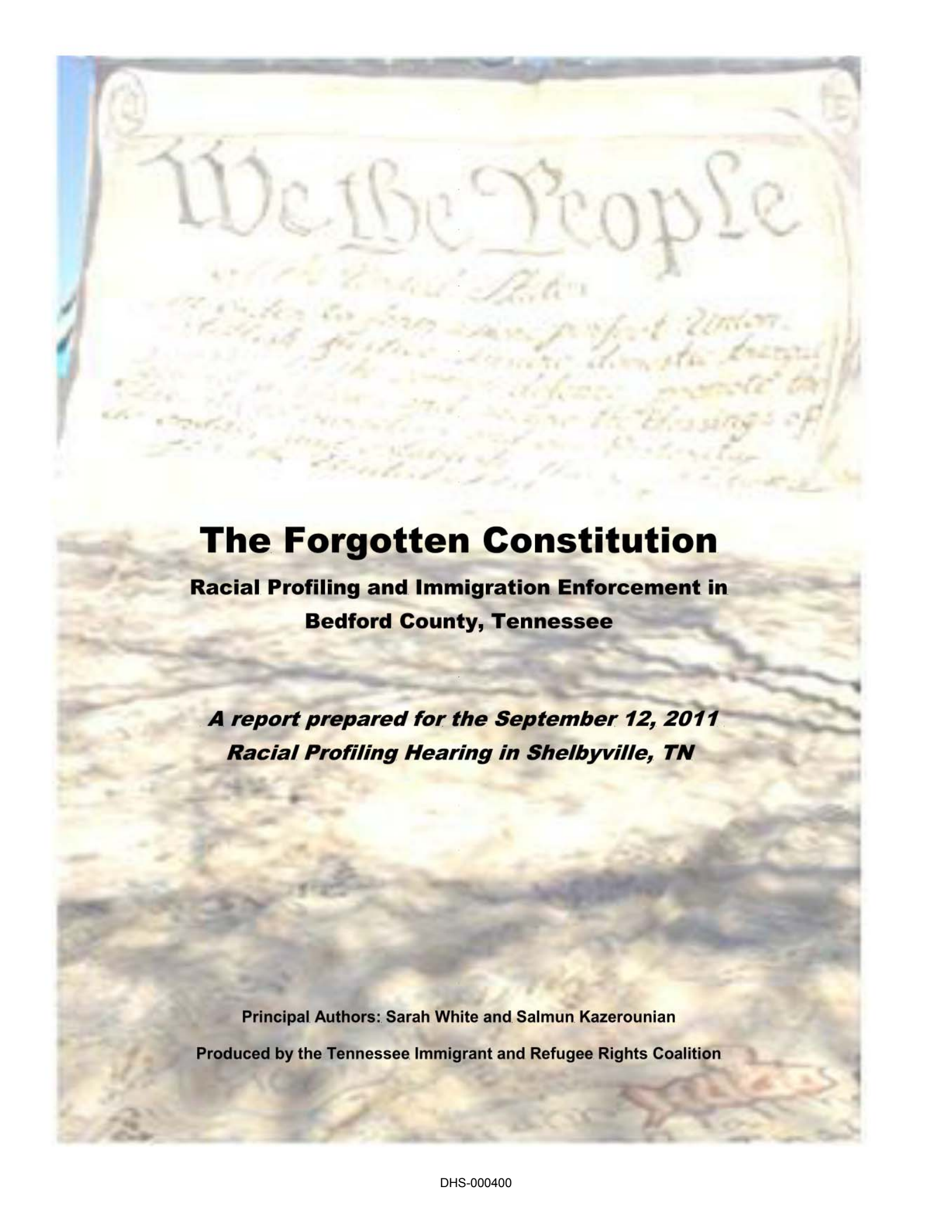
(b)(6)

Executive Director
Rights Working Group

(b)(6)

Executive Director
TIRRC

Cc: Kelly Ryan, Acting Deputy Assistant Secretary
Ivan Fong, General Counsel
Gary Mead, Executive Associate Director, Enforcement and Removal Operations
John Morton, Director of Immigration and Customs Enforcement
Timothy Moynihan, Assistant Director for the Office of Professional Responsibility
Yasmeen Pitts, ICE Public Engagement Officer
John Sandweg, Counselor to the Secretary

The background of the document features a faded image of the United States Constitution at the top, with the words "We the People" clearly visible in its calligraphic script. Below the constitution, there is a blurred image of a natural landscape, possibly a river or a field with trees, in warm, golden-brown tones.

We the People

The Forgotten Constitution

**Racial Profiling and Immigration Enforcement in
Bedford County, Tennessee**

A report prepared for the September 12, 2011

Racial Profiling Hearing in Shelbyville, TN

Principal Authors: Sarah White and Salmun Kazerounian

Produced by the Tennessee Immigrant and Refugee Rights Coalition

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Table of Contents

- 1. Executive Summary**
- 2. Interaction with Law Enforcement**
- 3. Booking and Detention in Bedford County**
- 4. Navigating the Court System**
- 5. Encounters with Immigration and Customs Enforcement (ICE)**
- 6. Efforts Undertaken by the Community Thus Far**

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Acknowledgements

This report was prepared by the following individuals and organizations: Latinos Unidos de Shelbyville (United Latinos of Shelbyville), Sarah White and Salmun Kazerounian, the Tennessee Immigrant and Refugee Rights Coalition, and Bill Geissler, longtime Shelbyville resident, stalwart supporter of the Latino community and member of SOCM (Statewide Organization for Community EmpowerMent). A special thanks goes to Sarah White, who worked tirelessly to compile the findings of advocates and community members. Also to be thanked are the panelists who have made the commitment to bear witness to the courage and suffering of Shelbyville's most vulnerable residents. Finally, a special acknowledgement goes to the courageous residents of Shelbyville, Tennessee, without whom this report would have been impossible.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Panelists for the September 12, 2011 Racial Profiling Hearing in Shelbyville, TN

We extend a special appreciation to the members of the panel who were present to hear the testimony of Shelbyville community members. Panel members include:

Pastor David Carrera, Beth Sar Shalom Ministries

Associate Pastor Lindsey Wade, First Presbyterian Church, Shelbyville, TN

Pastor Kent Lewis, Christ Lutheran Church, Shelbyville, TN

Noel Johnson, Board President, SOCM

Beverly Watts, Executive Director, TN Human Rights Commission

Sameera Hafiz, Policy Director, Rights Working Group

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Monday, September 12, 2011

Executive Summary

Bedford County is exceptional for its large and vibrant immigrant and refugee communities, who live and work in the rolling hills of this rural county about an hour south of Nashville, Tennessee. Somali and Burmese refugees, Egyptian immigrants, and Latino immigrants are the backbone of local industry, working at poultry plants and on the walking horse farms that make Shelbyville – Bedford's county seat – famous. Many immigrants are small business owners, and many more have chosen to make their homes and raise their children here.

“To be an immigrant or refugee in Bedford County is to be treated with suspicion or outright hostility by one’s own government, whose offices still exhibit vestiges of the overt racial apartheid of years past.”

Despite immigrants' essential economic contributions to Bedford County, they face hostility and discrimination from all aspects of the criminal justice system, which works in close coordination with federal immigration enforcement authorities. Arrests of Latinos have intensified since Tennessee law changed in January 2011 to require jailers to ask arrestees their citizenship and report this information to ICE. Pervasive anti-immigrant sentiment coupled with misinterpretation of the scope of this law has resulted in an ongoing immigration inquisition by local law enforcement that has caused a steep increase in detention and removal by ICE. Suspected immigrants are subjected to racial profiling and increased police surveillance. They are arrested and detained in county jail for minor traffic violations--often unlawfully--in order to facilitate their deportation. Immigrants and refugees are unable to meaningfully access government services and the court system, which means many of them are unable to vindicate their rights. Immigrants are mistreated by ICE officials, who have collaborated with locals engaged in explicitly racially discriminatory practices to entrap, interrogate, and arrest immigrants who clearly do not fit immigration enforcement priorities. Many immigrant victims of crime no longer trust law enforcement to protect them, and families have been torn apart by these arbitrary arrests. Families with children who have lived in the U.S. for their whole lives have had no choice but to uproot and relocate out of the country after the sudden removal of a caretaker or breadwinner. Law enforcement practices and the fear they have stirred in the community have thus resulted in a mass exodus of immigrants from Bedford County. To be an immigrant or refugee in Bedford County is to be treated with suspicion or outright hostility by one's own government, whose offices still exhibit vestiges of the overt racial apartheid of years past.

This report briefly outlines the abuse and discrimination immigrants in Bedford County face in each stage of the criminal justice system. Part 1 describes initial encounters with law enforcement officials. Part 2 discusses booking and detention procedures at the Bedford County Jail. Part 3 addresses problems experienced by immigrants attempting to navigate the Bedford County court system. Part 4 outlines the experience of immigrants who are taken into custody by Immigration and Customs Enforcement (ICE). Part 5 sketches efforts to address these problems through grassroots community organizing and advocacy.

The Forgotten Constitution

Racial Profiling and Immigration Enforcement in Bedford County, Tennessee

Interaction with Law Enforcement

Immigrants are targeted at disproportionate rates by officers of Bedford County law enforcement agencies, particularly the Shelbyville Police Department, as a pretext for making arrests that will enable jailers to contact ICE. These local officials regularly support and collaborate with a State Trooper employed by the Tennessee Highway Patrol. Law enforcement officers have routinely set up roadblocks and extra patrols around Latino groceries and markets. For instance, an owner of a local tortilleria reports that an officer with the Shelbyville Police Department, in conjunction with the State Trooper, set up a roadblock in front of his store, just outside of a business complex frequented by Latinos. The police officer stopped vehicles, most driven by Latinos, to check for drivers' licenses and IDs, even though they were obeying traffic laws.

Police who patrol Bedford County selectively enforce traffic laws and make pretextual traffic stops of Latino drivers in order to check for driver licenses and verify citizenship. Latino victims of police harassment report that they have been stopped by police allegedly to verify they are wearing a seatbelt that is visibly fastened, for driving less than 5 mph over the speed limit, or for no reason at all. Latinos who come into contact with law enforcement, particularly during traffic stops, are more likely than non-Latinos to be subject to arrest and detention for minor violations such as driving without a license. Arresting an immigrant driver ensures that ICE will be contacted at the jail; if an immigrant driver is cited and released, ICE will not be notified.

Reports from the Shelbyville Police Department obtained through a public records request verify that a disproportionate number of Latino drivers were arrested for traffic violations in the first quarter of 2011, and that a few police officers made the bulk of these arrests of Latinos. Of 74 reported arrests for traffic violations, 26 of those arrested were Latinos, and at least six other Latinos were omitted from the list of arrests provided by the police department. Thus, although Latinos make up only about 20 percent of the city's population, approximately 39% of arrests for driving license violations were arrests of Latinos. Arrests of Latino drivers were not equally distributed amongst



Miguel Gonzalez, long-time community member and Tortilla/Grocery store owner.

"In the beginning of this year, local police officers, the Sheriff's Department, and the TN Highway patrol were out in front of my store almost every day—they would come and park and just stay there. If local law enforcement really wanted to keep the community safe, they should have patrolled the residential areas nearby, where there were reports of break-ins. Instead, they focused on my store and the families doing nothing more than shop for their tortillas and food."

We are heavily surveilled as a community. Whether you are here legally or not, you are marked out if you have dark skin, hair, or if you speak English with an accent. We are still far, far from our ideals when we look at the practices of local law enforcement. I have been in Tennessee for nineteen years, and we need to educate our community and bring them into this society, rather than marginalize them and violate their civil and human rights."